



**RELOCATION PLAN
FOR
THE PROPOSED
IRVINGTON
'MONUMENT SHOPPING CENTER'
PROJECT
FREMONT, CALIFORNIA**

**PREPARED FOR
THE
REDEVELOPMENT AGENCY OF THE CITY OF FREMONT
39100 LIBERTY STREET
FREMONT, CA 94537**

BY

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AUGUST, 2002

NOTE: This Relocation Plan is neither a notice, nor an announcement of intent to acquire any property by eminent domain, or otherwise for the proposed Irvington 'Monument Shopping Center' project. If the Governing Board of the Redevelopment Agency of the City of Fremont decides in the future to acquire any property by eminent domain, or otherwise for this proposed project, appropriate notice thereof will be provided and said acquisition will be in accordance with applicable statutes, rules and regulations.

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INTRODUCTION

The Redevelopment Agency of the City of Fremont ("Agency") is proposing the redevelopment of the Irvington **Monument Shopping Center** ("Project") on an approximate six acre (6.0 ac. +/-) site, generally bounded by Bay Street, Fremont Boulevard, Trimboli Way and Irvington Avenue in Fremont, California, in concert with a preferred developer selected through the issuance of a Request-for-Qualifications (RFQ), and the subsequent execution of Exclusive Right to Negotiate and Disposition and Development Agreement(s). The mission of the Agency in this regard is to revitalize the 'Irvington Unified Redevelopment Area' through the elimination of visible, and other blighting conditions on a key site, in a way that should set the standard of quality for and stimulate future development in Irvington.

The Agency has identified certain objectives for site development which include: a commercial orientation toward Bay Street and the 'Five Corners'; creation of a pedestrian-oriented environment on Bay Street, with retail and restaurant uses to be the focus of the commercial portion of the project; the market mix to include at least one sit down restaurant; housing; a minimum of thirty-seven (37) parking spaces for existing Bay Street businesses; a high quality of design and construction materials that are in harmony with and reflective of the historic buildings in the area; and, the provision of a stimulus for additional private investment and/or cooperation of property owners in the redevelopment of Bay Street properties.

The general location of the proposed project site is in the south-east quadrant of the city of Fremont, between State Highways I-680 located to the north-east of the project site, and I-880 to the north-west.

The specific site of the proposed Project is comprised of six (6) properties presently comprising twenty-four (24) commercial enterprises, all of which were occupied during the survey period for the preparation of this Plan. Regional and Project site maps may be found at the conclusion of this Plan, at **Attachment 1**.

In order to evaluate the present circumstances and re-establishment requirements of the twenty-four (24) businesses which would be permanently displaced by the proposed project, *Pacific Relocation Consultants (PRC)* - an experienced relocation firm - has been selected to prepare this Relocation Plan and provide all subsequently required relocation assistance.

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While preparation and adoption by public agencies of a Relocation Plan may not be required by law in this instance where the Agency is displacing *solely* a limited number of commercial occupants, nevertheless, this Plan has been prepared, and subsequent relocation assistance for the project will, as required, be provided in accordance with the standards and provisions of the State of California Relocation Law, Government Code Section 7260, et. seq., and Title 25, Chapter 6, Relocation Assistance and Real Property Acquisition, as amended January 01, 1998.

This Plan addresses the following:

1. A description of the regional project area generally and the specific project site;
2. An assessment of the relocation needs of businesses which may be relocated as a result of the implementation of the project, including survey methods and results;
3. An assessment of the availability of comparable replacement resources within the city of Fremont; and,
4. The steps and procedures that the Agency will follow to ensure a satisfactory, and thorough relocation program.

A. METHODOLOGY AND ASSESSMENT OF NEEDS

To obtain information necessary for the preparation of this Plan, most of the tenants were contacted directly by relocation staff during the survey period of July 08, through July 22, 2002. The Table below provides a descriptive summary/overview of the types of businesses operating upon the site of the proposed project, and other pertinent data related thereto provided by the business owners and/or their representatives.

Project Site Business Tenants - Field Survey Data				
Business Type	Ownership Type	Facilities (Square Feet)	Particular Features	Number of Employees
Insurance/ Real Estate Services	Sole Proprietorship	1,200	3 Private offices, storage areas	2
Party supplies, decorating, cakes	Sole Proprietorship	1,200	Showroom and storage areas	1
Meeting Hall	Non-profit	6,000	Separate rooms for praying- offices	3
Cocktail Lounge (entertainment)	Sole Proprietorship	4,000	40' bar (6' section ADA), 42 parking spaces	3
Mexican Food	Sole Proprietorship	1,990	Seat 50-60, Commercial stove w/hood, ice machine, meat slicer, 3 rest rooms, prep' tables, etc.	12
Discount retail sales	Sole Proprietorship	900	Shelves, racking	2
Bakery/Food	Sole Proprietorship	950	16' hood, stove, display cases, tables, chairs, sinks, mixers, etc.	4
Hair and Nail Salon	Sole Proprietorship	1,000	6 stations, 3 sinks, cabinets, water heater, misc' equip't	7*

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Project Site Business Tenants - Field Survey Data				
Business Type	Ownership Type	Facilities (Square Feet)	Particular Features	Number of Employees
Market w/deli' and misc' (e.g., video rentals)	Sole Proprietorship	2,000	Movable shelving, 2 freezers, walk-in cooler, sinks, etc.	2
Chinese Food	Sole Proprietorship	600	Tables, chairs, 16' hood, 3-door cooler, deep fryer, commercial stove, wash area, etc.	2
Upholstery Shop and Fabric Sales	Sole Proprietorship	1,225	Misc' movable equipment and tools	4
Restaurant	Sole Proprietorship	1,000	Tables, chairs, sinks, cashier counter, buffet area, cooler, commercial stove, hood, etc.	2
Hair and Nail Salon	Sole Proprietorship	1,020	5 stations, 3 sinks, misc' equipment, etc.	4*
Food Market	Sole Proprietorship	1,480	Butcher saw, grinders, slicers, non-movable metal shelves, walk-in cooler	10
Record, tape and CD sales	Sole Proprietorship	500	Display counters, cabinets, etc.	1
Billiard Hall with Beer Licence	Sole Proprietorship	2,202	6 Tables, big-screen TV, arcade machines, TV sets, light fixtures, 40' bar, shelving, ice machines	2
Restaurant	Sole Proprietorship	3,000	36 tables, 100 chairs, 2 buffet islands (1 built-in), walk-in cooler, ice machine, office	4
Hair Salon	Sole Proprietorship	700	4 stations, 2 sinks, misc' equipment, etc.	3*

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Project Site Business Tenants - Field Survey Data				
Business Type	Ownership Type	Facilities (Square Feet)	Particular Features	Number of Employees
Liquor Store	Sole Proprietorship	2,100	Walk-in cooler, ice-making, shelving, storage.	2
Barber Shop	Sole Proprietorship	800	two stations, sinks, etc.	2*
Car Wash	Sole Proprietorship	2,578	Full service car wash	6
Groceries (East Indian)	Corporation	9,500	Store with produce, DVD rental and sales, small electronics, marble tile and, sundry small Indian artwork. 6 aisles w/gondolas, shelving. 9-door beverage cooler, 40' produce gondolas	6
Dry Cleaners	Sole Proprietorship	1,500	On-site cleaning and pressing, racks, overhead conveyor, boiler, large capacity washing and drying machines, counter	3
Auto Parts	Sole Proprietorship	7,880	Corporate build-out	6
24 Businesses				93

*may include independent contractors which may qualify as a separate business entity

Subject to all qualifying and limiting criteria, businesses will be afforded relocation assistance in accordance with State guidelines, including referrals and moving expenses.

RELOCATION NEEDS AND PREFERENCES

Based upon the comments of business Principals and/or operators with whom we spoke during the interview period, businesses expressed an interest in relocating in the Irvington area. Should the project move forward, and the tenants be required to vacate,

specific preferences as to location, and other options will be discussed with each business at that time.

B. REPLACEMENT COMMERCIAL RESOURCES

A survey of commercial lands and retail commercial space was conducted over an approximate two week period extending between July 29 and August 9, 2002. The objective of the survey was to assess the commercial/retail marketplace and general availability of suitable replacement sites. Referral information was obtained from a variety of brokerage sources and follow-up field surveys. The search included the communities of Fremont, Newark, and Union City.

The current commercial/retail real estate market in these communities presents a varied and competitive portfolio of opportunities in regard to size, appearance and price; it appears to be neither a particularly "sellers-", nor "buyers/lessees-market".

As is evidenced by the information provided in the Table beginning at page 5 above, the outside parameters for the size of potentially displaced businesses located in the proposed project site reportedly ranges anywhere between five hundred (500) square feet for a retail music store, to nine thousand five hundred (9,500) square feet for a retail business selling groceries and miscellaneous related sundries.

With respect to business locations directly in Fremont, proper opportunities within the city appear somewhat limited. However, there appears to be considerable supply of commercial retail space for lease and for sale within the broader community, as illustrated in Attachment 5. Space for lease was found ranging from \$1.00 to a high of \$3.76 per square foot; all "triple-net".

Because businesses will make decisions on location based upon their "target" clientele and proximity to transportation corridors, etc., detailed specific relocation site requirements will be discussed during the "in-depth" interviews which will be conducted in the event the proposed project proceeds. In all instances, specific eligibility requirements and detailed compensation plans will be developed for and discussed on an individual basis with each commercial displacee. In the course of personal interviews and follow-up visits, each business will be counseled, as may be necessary,

in regard to available options and the potential consequences of any choice with respect to financial assistance.

Business relocation issues which will *need* to be addressed for these tenants will include regulatory matters such as zoning, permitting including the “lead-time” necessary for regulatory processing, and then approvals by agencies having jurisdiction over the replacement site areas.

C. RELATED ISSUES

To the *extent* that the City of Fremont has adopted stringent land use regulations for the location, or relocation of some uses, the *potentially* limited opportunity for relocation of certain of these businesses may be somewhat problematic for the Agency (e.g., drinking establishments which *may* be limited in their ability to locate to preferred sites due to possible land use and zoning regulatory restrictions, as well as requirements of the Alcohol and Beverage Control [ABC] Division of the State of California).

As in any project, businesses are affected differently by the relocation process, and some businesses are more difficult to relocate than others due to zoning, development impact fees now in place, and other regulatory considerations as referenced previously. Apart from compensation for relocation expenses - which are delineated in **Attachment 2**. at the conclusion of this Plan - businesses are entitled under State law to make a claim for loss of business goodwill as a result of an inability to *successfully* relocate.

Goodwill consists of the benefits which accrue to a business as a result of its location; reputation for dependability; skill or, quality; and, any other circumstances resulting in probable retention of old or acquisition of new patronage. In conjunction with a claim for loss of business goodwill, State law (California Code of Civil Procedure Section 1263.510) *requires* that businesses owners prove all of the following:

- ◆ The loss is caused by the taking of the property;
- ◆ The loss cannot *reasonably* be prevented by relocation of the business, or by *taking steps and adopting procedures* that a reasonably prudent

person would take to preserve the goodwill; and,

- ◆ The compensation for the loss has *not* been otherwise included as a relocation payment, *or* duplicated in compensation otherwise awarded to the owner.

It should be noted, however, that claims for loss of business goodwill are *not* a consideration in establishing compensation for *relocation* assistance, unless a tenant opts for a fixed payment in lieu of payment for actual relocation costs (see page 14).

D. PROGRAM ASSURANCES AND STANDARDS

Relocation cases will be monitored individually to ensure that displacement does not result in different, or separate treatment based on race, nationality, color, religion, national origin, sex, marital status, familial status, disability, or any other arbitrary or unlawful discriminatory basis protected by the Federal Fair Housing Amendments Act; the Americans with Disabilities Act; Title VI of The Civil Rights Act of 1964; Title VII of The Civil Rights Act of 1964; Title VIII of The Civil Rights Act of 1968; and, the California Fair Employment & Housing Act; and, the Unruh Act.

The Agency has evaluated the necessary financial resources needed to execute the proposed Monument Shopping Center Redevelopment Project. Funding for the project, including payment of relocation benefits to affected tenants and owner-occupants, has been budgeted in a general property acquisition and development reserve. The Agency anticipates appropriating sufficient funds for the project at the appropriate time.

The relocation program to be implemented by the Redevelopment Agency of the City of Fremont will conform with the applicable standards and provisions as set forth in state law.

E. RELOCATION ASSISTANCE PROGRAM

Experienced relocation representatives from *Pacific Relocation Consultants (PRC)* will be available to assist all displacees. *PRC* staff may be contacted by calling toll free **1.877.972.8908**, during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. The offices of *PRC* are located at:

Pacific Relocation Consultants
7901 Oakport Street, Ste. 4800
Oakland, CA 94621-2089
<email@pacrelo.com>

A comprehensive relocation assistance program, with both technical, and advisory assistance will be provided to the businesses being displaced. Close contact will be maintained with each business.

Specific activities will include:

- ◆ Distribution of informational "Statements". **(See sample statement to be given to prospective displacee businesses - Attachment 2);**
- ◆ Timely referrals to appropriate replacement sites and, if necessary, transportation to inspect potential replacement properties; and,
- ◆ Assistance with the completion and filing of relocation claims, rental applications or purchase documents and, appeal forms, if necessary.

F. CITIZEN PARTICIPATION/PLAN REVIEW

The Agency is currently scheduled to consider adoption of this Relocation Plan during a regular scheduled meeting on October 8, 2002, and the Agency will provide a notice of the meeting to all tenants and owner-occupants affected by the potential Plan adoption. This Plan will be made available to Project occupants and the general public for a period of thirty (30) days prior to submission for adoption before the Board of the Redevelopment Agency of the City of Fremont.

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Parties which, or who may comment upon this Plan may request that their comments be included as an Exhibit to the Plan at the time of adoption. A copy of the Plan, so adopted, will be forwarded to the California Department of Housing and Community Development (H&CD), if necessary.

G. RELOCATION BENEFIT CATEGORIES

Relocation benefits will be provided pursuant to State law. Benefits will be paid upon submission of required claim forms and documentation in accordance with procedures adopted and approved by the Agency (See **Attachment 3**).

Pursuant to California Relocation Law, eligible businesses may receive a relocation payment to cover the reasonable cost of moving.

There are two (2) options:

- (1) a payment for *actual* reasonable and necessary moving and related expenses; or,
- (2) a fixed payment, *not to exceed* \$20,000.00

These benefits are described more fully as follows:

a. Payment for Actual Reasonable and Necessary Moving and Related Expenses.

This payment may include the following:

- ◆ Transportation of persons, and property from the present location to the replacement location (Transportation costs are limited to a distance of 50 miles);
- ◆ Packing, crating, uncrating, and unpacking of personal property;
- ◆ Disconnecting, dismantling, removing, reassembling, and installing

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relocated and substitute machinery, equipment and other personal property. This includes connection to utilities available nearby, and modifications necessary to adapt such property to the replacement structure, or to the utilities, or to adapt the utilities to the personal property;

- ◆ Storage of personal property for up to twelve (12) months, *at the discretion of the Agency*;
- ◆ Insurance of personal property while in storage or transit and the replacement value of property lost, stolen or, damaged (though not through the fault, or negligence of the displaced person) in the process of moving, where insurance is not readily available.
- ◆ Subject to certain limitations, any licence, permit, or certification required by the displaced business, to the extent that the cost is necessary for reestablishment at the replacement location;
- ◆ Subject to certain limitations, *reasonable and pre-authorized* professional services, including architect's, attorney's, and engineer's fees and consultant's charges necessary for: (1) planning the move of personal property; (2) moving the personal property; or, (3) installing the relocated personal property at the replacement location;
- ◆ Subject to certain limitations, modifying the machinery, equipment or, other personal property to adapt it to the replacement location or to utilities available at the replacement location or modifying the power supply;
- ◆ Actual direct losses of tangible personal property resulting from moving, or discontinuing a business, or non-profit organization, not to exceed the lesser of:
 - (1) the fair market value of the property for continued use at its location prior to displacement; or,

- (2) an amount equal to the reasonable expenses that would have been required to relocate the property, as determined by the Agency, subject to certain limitations;
- ◆ Actual, and reasonable expenses incurred in searching for a replacement business location, *not to exceed* \$1,000.
- ◆ Actual, and reasonable expenses necessary to reestablish a displaced small business at its new location, *not to exceed* \$10,000. Examples of expenses that may be considered for reimbursement include advertising, redecoration and, certain increased costs of operation at the new location.
- b. A Fixed Payment In Lieu of A Payment For Actual Reasonable Moving and Related Expenses**

The amount of this payment shall be based on the average, annual net earnings of the business. The payment to an eligible business may not be less than \$1,000., nor more than \$20,000.

To qualify for this payment, a displaced business:

- ◆ *Cannot* be part of a commercial enterprise having at least three other establishments which are *not* being acquired by the Agency, and which is under the same ownership and engaged in the same, or similar business activities;
- ◆ Must not be able to relocate without substantial loss of patronage; and,
- ◆ Must have contributed at least one-third (33.33%) of the owner's total, gross income during each of the two (2) taxation years *prior to* displacement, or meet specific earnings criteria.

H. EVICTION POLICY

Project site businesses may become tenants of the Agency for some period of time pursuant to acquisition of property and prior to relocation. Eviction of tenants is only permissible as a last resort.

The circumstances surrounding any eviction will be documented, and made available for review by appropriate authorities. Eviction will only take place in cases of non-payment of rent; violation of the rental agreement; performance of a dangerous, or illegal act upon the premises or property in general; or, if the displacee refuses all reasonable offers of comparable, alternate replacement sites.

I. APPEALS POLICY/GRIEVANCE PROCEDURES

The appeals policy of the Agency will conform with the standards described in Section 6150 et seq., of the State of California relocation guidelines. Displacee businesses are provided the right to ask for review concerning rights to relocation assistance eligibility; the amount of a payment; or, the failure to provide a referral to comparable, replacement accommodation.

J. PROJECTED DATES OF DISPLACEMENT

The Agency has authorized staff to begin the property acquisition and relocation process for the proposed project. The Agency intends to make settlement offers to tenants regarding relocation and acquisition issues shortly after adopting the Relocation Plan, which is scheduled to be considered by the Agency on October 8, 2002, and which follows the thirty (30) day period of review and comment on the Relocation Plan by affected tenants.

The Agency estimates that relocation and acquisition activities for tenants and owner-occupants affected by the proposed project can be completed within a six month time frame. This general estimate puts the actual date of displacement for tenants and owner-occupants sometime in Spring of 2003. Tenants and owner-occupants are eligible to relocate earlier, with Agency assistance, after a settlement is reached with the Agency regarding acquisition and relocation issues. The Agency would be required

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to issue a 90 Day Notice to Vacate to each business occupant, before it could cause the displacement

In the event that the Agency has *not* settled relocation issues with the tenants and owner-occupants of the site within one (1) year from the Agency Board adoption of the Relocation Plan, the Agency is required to update the Relocation Plan before pursuing settlements with any remaining tenants and owner-occupants of the site.

K. ESTIMATED RELOCATION COSTS

The estimate for *relocation-related payments only* for this proposed project, for the twenty-four (24) businesses on the preferred site is as follows:

\$ 1,793,000.00
(including 10% contingency)

As indicated in the Table on page 7, some business may include independent contractors. If they meet eligibility requirements and qualify for separate relocation benefits, this cost estimate will be increased accordingly.

The relocation estimates for businesses were developed based upon tenant interviews, as well as comparable, and available replacement costs in the vicinity of the proposed project and PRC's experience in relocating businesses of this type. It is also understood that all businesses would be *permanently* displaced from the site should the project proceed.

The estimated relocation budget makes no provision for the relocation of any other tenants - residential, or businesses - from the project site; *nor* does the estimated relocation budget include any funds which may be disbursed to property owners for acquisition of the Real Property, acquisition of Fixtures and Equipment, possible loss of goodwill, relocation administrative costs or provision for any other services necessary for implementation of the project.

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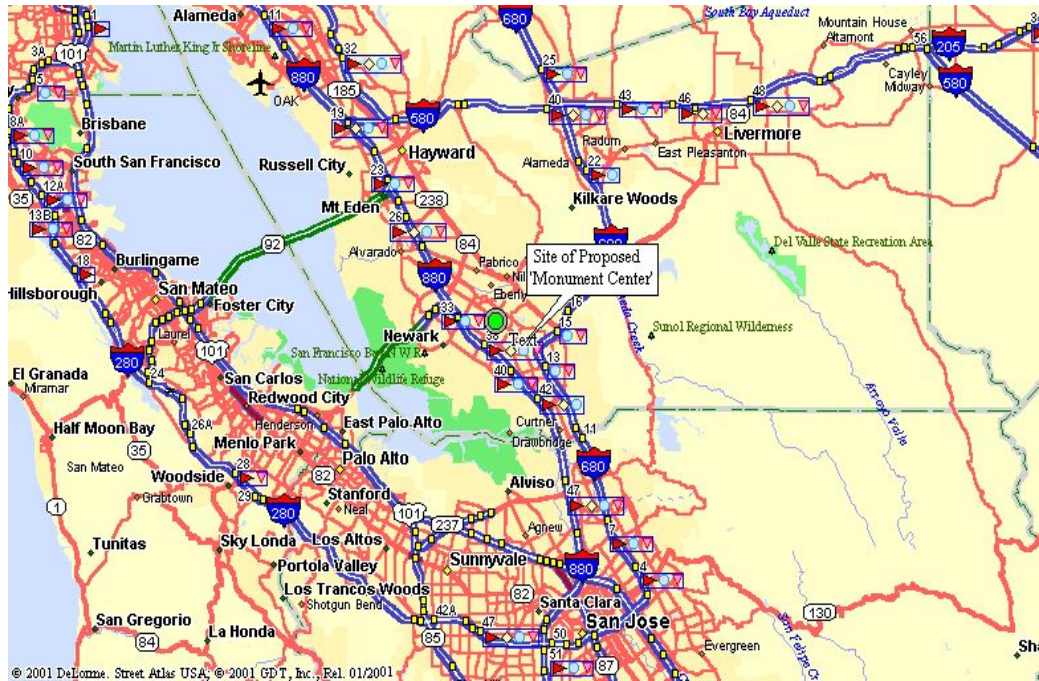
If the project is implemented, and circumstances arise that should increase the number of business occupants to be displaced, or include residential households (and therefore, be potentially made eligible for relocation benefits), the Agency will authorize any additional funds which may need to be appropriated.

The Agency has evaluated the necessary financial resources needed to execute the proposed Monument Shopping Center Redevelopment Project. Funding for the project, including payment of relocation benefits to affected tenants and owner-occupants, has been budgeted in a general property acquisition and development reserve. The Agency anticipates appropriating sufficient funds for the project at the appropriate time.

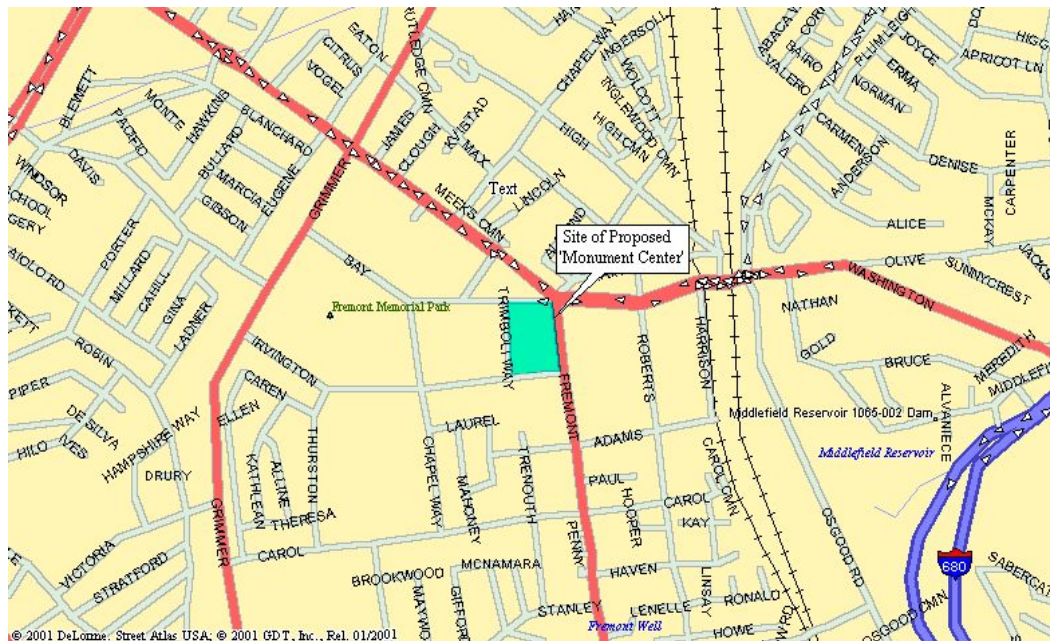
TABLE OF ATTACHMENTS

- Attachment 1:** Project Site Maps
- Attachment 2:** Informational Statement for Businesses
- Attachment 3:** Procedures for Relocation Payments and Assistance
- Attachment 4:** Summary of Public Comment(s) Regarding The Relocation Plan, and District Response (Pending)
- Attachment 5:** Replacement Commercial Resources

ATTACHMENT 1 PROJECT SITE MAPS



Regional Project Setting



General boundary of proposed Monument Shopping Center Project

ATTACHMENT 2
INFORMATIONAL STATEMENT
FOR
DISPLACED BUSINESSES

INFORMATIONAL STATEMENT FOR BUSINESSES, NON-PROFIT ORGANIZATIONS AND, FARMS

The Redevelopment Agency of the City of Fremont - the 'Agency' - is in the development planning stages for the proposed Irvington area 'Monument Shopping Center' Project; the development of which would require the acquisition of the property in which you now conduct your business. **This is *not* a notice to vacate** and, does *not* establish eligibility for relocation payments, or other relocation assistance. Should the project proceed and, the Agency acquires the property and you are displaced as a result, you **may** be eligible for relocation assistance.

Please read this information as it will be helpful to you in determining your eligibility and the amount of your relocation benefits under federal and/or state law. We suggest you save this informational statement for reference. It is important that you do not move before you learn what you must do to receive relocation payments and other assistance to which you may be entitled. The Agency has retained the services of *Pacific Relocation Consultants*, a qualified professional relocation firm, to assist you. The firm is available to explain the program and benefits. Their address and telephone number is:



Pacific Relocation Consultants
7901 Oakport Street, Ste. 4800
Oakland, CA 94621-2089
Phone Toll-free: 1.877.972.8908

Spanish speaking representatives are available. **Si necesita esta información en Español, por favor llame a su representante.**

Summary of Relocation Assistance

Your business, as an eligible "displaced person" and, subject to all qualifying, and limiting criteria will be provided appropriate financial, and advisory assistance to help you relocate, including:

- A. Payment for your moving expenses. You will receive either:
 - A Payment for Actual Reasonable Moving and Related Expenses, or
 - A Fixed Payment In Lieu of a Payment for Actual Reasonable Moving and Related Expenses
- B. Referrals to suitable replacement locations.
- C. Other help to reestablish your business and minimize the impact of the move including help in preparing claim forms to request relocation payments.

If you disagree with the Agency's decision as to your right to a relocation payment, or the amount of the payment, you may appeal that decision.

SOME GENERAL QUESTIONS

How will I know I am eligible for relocation assistance?

You should receive a written notice explaining that you are eligible for relocation assistance. Ordinarily, eligibility begins on the date the owner of the property receives the Agency's initial written offer to purchase it. Therefore, you should not move before that date. If you do, you may not be eligible for relocation assistance.

How Will the Agency Know How Much Help I Need?

You will be contacted at an early date and personally interviewed by a representative of the Agency to determine your needs and preferences for a replacement location and other services. The interviewer will ask questions about such matters as your space requirements. It is to your advantage to provide the information so that the Agency can assist you in moving with a minimum of hardship. The information you give will be kept in confidence.

How Soon Will I Have to Move?

Every reasonable effort will be made to provide you with sufficient time to find, and reestablish your business in a suitable replacement location. If possible, a mutually agreeable date for the move will be worked out. Unless there is an urgent need for the property (e.g., your occupancy would present a health or safety emergency), you will not be required to move without *at least* 90 days advance written notice. It is important, however, that you keep in close contact with the Agency so that you are aware of the time schedule for carrying out the project, and the approximate date by which you will have to move.

I Own The Property, Will I Be Paid For It Before I Have To Move?

If you reach a voluntary agreement to sell your property to the Agency, you will not be required to move before you receive the agreed purchase price. If the property is acquired through an eminent domain proceeding, you cannot be required to move before the estimated fair market value of the property has been deposited with the court. (You should be able to withdraw this amount immediately, less any amounts necessary to pay off any mortgage, or other liens on the property and, to resolve any special ownership problems. Withdrawal of your share of the money will *not* affect your right to seek additional compensation for your property).

Will I Have To Pay Rent To The Agency Before I Move?

You may be required to pay fair market rent to the Agency for the period between their (the Agency's) acquisition of your property, and the date that you move. The rent will not exceed that charged for the use of similar properties in similar areas, however, rent is generally the same as in the prior arrangement.

How Will I Find A Replacement Location?

The Agency will provide you with current, and continuing information on available replacement locations that meet your needs. The Agency may also provide you with the names of real estate agents and brokers who can assist you in finding the type of replacement location you need.

While the Agency will assist you in obtaining a suitable replacement location, you should take an active role in finding and relocating to a location of your choice. No one knows your needs better than you. You will want a facility that provides sufficient space for your planned activities.

You will also want to assure that there are no zoning limitations, or other requirements which will unduly restrict your planned operations. Ask the Agency to explain which kind of moving costs are eligible for repayment and which are not eligible. That will enable you to carry out your move in the most advantageous manner.

What Other Assistance Will be Available To Help Me?

In addition to help in finding a suitable replacement location, other assistance, as necessary, will be provided by the Agency. This includes information on Federal, State, and local programs that may be of help in re-establishing a business. For example, the Small Business Administration (SBA) provides managerial, and technical assistance to some businesses. There may also be a government grant or loan program which can help you reestablish your business. The Agency will assist you in applying for help available from government agencies. The range of services depends on the needs of the business being displaced. You should ask the Agency representative to tell you about the specific services that will be available to you.

I Have A Replacement Location And Want To Move. What Should I Do?

Before you make any arrangements to move, notify the Agency, in writing, of your intention to move. This should be done at least 30 days before the date you begin your move. The Agency will discuss the move with you and advise you of the relocation payment(s) for which you may be eligible, the requirements to be met, and how to obtain a payment.

I Plan To Discontinue My Business Rather Than Move. What Should I Do?

If you have decided to discontinue your business rather than reestablish, you may still be eligible to receive a payment. Contact the Agency and discuss your decision to discontinue your business. You will be informed of the payment, if any, for which you may be eligible, the requirements to be met, and how to obtain your payment.

What Payment For Moving Expenses will I receive?

Every "displaced person" is entitled to a relocation payment to cover the reasonable cost of moving. You may choose either:

- A. A 'Payment For Actual Reasonable Moving and Related Expenses', or
- B. A 'Fixed Payment In Lieu of Moving and Related Expenses' (if you meet the eligibility requirements).

Payment For Actual Reasonable Moving And Related Expenses

If you choose a 'Payment For Actual Reasonable Moving And Related Expenses', you may include in your claim the cost of:

- A. Transportation of personal property from your present location to the replacement location. (Generally, transportation costs are limited to a distance of 50 miles. If you plan to move *beyond* 50 miles, discuss your planned move with the Agency).
- B. Packing, crating, uncrating, and unpacking personal property.

- C. Disconnecting, dismantling, removing, reassembling, and installing relocated, and substitute machinery, equipment and other personal property. This includes connection to utilities available nearby and modifications necessary to adapt such property to the replacement structure, or to the utilities or, to adapt the utilities to the personal property. This includes alterations to the replacement structure required to reinstall machinery, equipment or other personal property
- D. Storage of personal property for a reasonable period of time, if required.
- E. Insurance of personal property in connection with the move and required storage and the replacement value of property lost, stolen, or damaged in the process of moving *where insurance is not readily available*.
- F. Any license, permit or certification required by the displaced business, to the extent that the cost is: (1) necessary to its re-establishment at the replacement location; and, (2) does not exceed the cost for the remaining useful life of the existing license, permit, or certification.
- G. Reasonable and pre-authorized professional services, including architect's, attorney's, and engineer's fees, and consultant's charges, necessary for: (1) planning the move of the personal property; (2) moving the personal property; or, (3) installing the relocated personal property at the replacement location.
- H. Re-lettering signs, printing replacement stationery made obsolete by the move and, customer notifications.
- I. The reasonable cost incurred in attempting to sell an item that is not relocated.
- J. Actual direct loss of personal property. This payment provides compensation for property that is neither moved, nor promptly replaced with a "substitute item" at the replacement location. Payment is limited to the lesser of: (1) the estimated cost of moving the property; or, (2) the fair market value of the property for its continued use at the old location, less any proceeds from its sale. To be eligible, you must make a good faith effort to sell the property, unless the Agency determines that such effort is not necessary.
- K. Purchase and installation of substitute personal property. Payment will be limited to the lesser of: (1) the estimated cost to move the item to the replacement location; or, (2) the actual cost of the substitute item delivered, and installed at the replacement location, less any proceeds from its sale or its trade-in value. It is important to discuss your plans with the Agency before you proceed.
- L. Searching for a replacement location. This payment may not exceed \$1,000.00 and may cover costs for:
- Transportation expenses
 - Time spent searching for a replacement location, based on a reasonable salary or earnings.
 - Reasonable fees paid to real estate agents or brokers to find a replacement location (not fees related to the purchase of a site)
 - Meals and lodging away from home

The Agency's relocation representative will explain all eligible moving costs, as well as those which are not eligible. You must be able to account for all costs that you incur; so keep all your receipts. The Agency will inform you of the documentation needed to support your claim.

You may minimize the amount of documentation needed to support your claim, if you elect to "self-move" your property. Payment for a self-move is based on the amount of an acceptable low bid or estimate obtained by the Agency. If you self-move, you may move your personal property using your own employees and equipment, or a commercial mover. If you and the Agency cannot agree on an acceptable amount to cover the cost of the "self-move," you will have to submit full documentation in support of your claim.

You may elect to pay your moving costs yourself and be repaid by the Agency or, if you prefer, you may have the Agency pay the mover. In either case, let the Agency know before you move. Select your mover with care. The Agency representative can help you select a reliable and reputable mover.

When a payment for "actual direct loss of personal property" or "substitute personal property" is made for an item, the estimated cost of moving the item may be based on the lowest acceptable bid, or estimate obtained by the Agency. If not sold or traded-in, the item must remain at the old location and ownership of the item must be transferred to the Agency before you may receive the payment.

Reestablishment Expenses; Non-Residential Moves

A small business, farm or non-profit organization may be eligible to receive a payment of up to \$10,000 for expenses actually incurred in relocating and reestablishing such operation at a replacement site. Eligible expenses must be reasonable and necessary, as determined by the Agency. They may include, but are not limited to the following:

- A. Repairs or improvements to the replacement real property as required by federal, state or local law, code or ordinance.
- B. Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
- C. Construction and Installation costs for exterior signage to advertise the business.
- D. Provision of utilities from right-of-way to improvements on the replacement site.
- E. Redecoration, or replacement of soiled, or worn surfaces at the replacement site, such as paint, paneling or carpeting.
- F. Licenses, fees, and permits where not paid as part of moving expenses.
- G. Feasibility surveys, soil testing and marketing studies.
- H. Advertising of replacement location.
- I. Professional services in connection with the purchase or lease of a replacement site.
- J. Estimated increased costs of operation during the first 2 years at the replacement site, for such items as:

1. Lease or rental changes;
2. Personal or real property taxes;
3. Insurance premiums; and,
4. Utility charges (excluding Impact fees)

K. Impact fees, or one-time assessments for anticipated heavy utility usage.

L. Other items that the Agency considers essential to the re-establishment of the business.

Ineligible Expenses

The following is a non-exclusive listing of reestablishment expenditures *not* considered to be reasonable, necessary or otherwise eligible:

- A. Purchase of capital assets, such as office furniture, filing cabinets, machinery or trade fixtures.
- B. Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.
- C. Interior or exterior re-furbishment at the replacement site, except as otherwise provided under the business re-establishment payment.
- D. Interest costs associated with any relocation expense or the purchase of replacement property.
- E. Payment to a part-time business in the home which does not contribute materially to the household income.

Fixed Payment In Lieu Of A Payment For Actual Reasonable Moving And Related Expenses

A 'Fixed Payment In Lieu Of A Payment For Actual Reasonable Moving And Related Expenses' to a business, or farm operation is based on the average annual net earnings of the business or farm operation. The payment to an eligible business or farm operation may not be less than \$1,000.00, nor more than \$20,000.00. A nonprofit organization may be eligible for a payment from \$1,000.00 to \$20,000.00 subject to the following:

A displaced nonprofit organization may choose a fixed payment as stated above if the Agency determines that it cannot be relocated without a substantial loss of existing patronage (membership or clientele.) A nonprofit organization is assumed to meet this test, unless the Agency demonstrates otherwise.

Any payment in excess of \$1,000.00, must be supported with financial statements for the two (2), twelve (12)-month periods prior to displacement. The amount to be used for the payment is the average of the last two (2) years annual net earnings. Documentation required may be income tax returns, certified financial statements and accounting records or other similar evidence acceptable to the Agency.

To qualify for this payment:

A. A displaced **business**:

1. must own, or rent personal property which must be moved in connection with the displacement and for which an expense would be incurred in such move, and the business vacates or relocates from its displacement site.

2. must be unable to relocate without a substantial loss of existing patronage.
3. must not be part of a commercial enterprise having more than one other entity which is not being acquired by the Agency, and which is under the same ownership and engaged in the same or similar business activities.
4. must not be operated at a displacement dwelling solely for the purpose of renting such dwelling to others.
5. must not be operated at the displacement site solely for the purpose of renting the site to others.
6. must have contributed materially to the income of the displaced person during the two (2) taxable years prior to displacement.

B. A displaced **nonprofit organization**: (1) must be unable to relocate without a substantial loss of its existing patronage; and, (2) must not be part of an enterprise having another establishment which is not being acquired by the Agency.

C. A displaced **farm operation** must meet certain minimum income requirements.

The average annual net earnings of a business farm operation are one-half of its net earnings before Federal, State, or local income taxes during the two (2) taxable years immediately prior to the taxable year in which it was displaced. If not in business for a full two years prior to displacement, the net earnings shall be based on the actual period of operation at the acquired site projected to an annual rate. Average net earnings may be based on a different period of time when the Agency determines it to be *more equitable*. Net earnings include any compensation paid to the owners of the business, a spouse or dependents. The displaced person shall furnish the Agency with proof of net earnings through income tax returns, certified financial statements, or other reasonable evidence which the Agency determines is satisfactory.

The Agency will inform you as to your eligibility for this payment and the documentation you must submit to support your claim.

Remember, when you elect to take this payment you are not entitled to reimbursement for any other moving expenses.

I Own An Outdoor Advertising Display. What Relocation Payment Will I Receive?

As the owner of an outdoor advertising display, you are eligible for a 'Relocation Payment For Actual Reasonable Moving And Related Expenses'. You are *not* eligible to receive a 'Payment In Lieu Of A Payment For Actual Reasonable Moving And Related Expenses'.

If you choose *not* to relocate or replace the sign, the payment for "direct loss of personal property" would be the lesser of: (1) the depreciated reproduction cost of the sign, as estimated by the Agency, less the proceeds from its sale; or, (2) the estimated cost of moving the sign without temporary storage. The Agency will inform you as to the exact costs that may be reimbursed.

How do I File A Claim For A Relocation Payment?

You must file a claim for a relocation payment.

The Agency will provide you with the required claim forms, assist you in completing them, and explain the type of documentation that you must submit in order to receive your relocation payments.

If you must pay any relocation expenses before you move (e.g., because you must provide security deposit if you lease your new location), discuss your financial needs with the Agency. You may be able to obtain an advance payment. An advance payment may be placed in "escrow" to ensure that the move will be completed on a timely basis.

If you are a tenant, you must file your claim within 18 months after the date you move. If you own the property, you must file within 18 months after the date you move, *or* the date you receive the final acquisition payment, whichever is *later*. However, it is to your advantage to file as soon as possible after you move. The sooner you submit your claim, the sooner it can be processed and paid. If you are unable to file your claim within 18 months, the Agency *may* extend this period.

You will be paid promptly after you file an acceptable claim. If there is any question regarding your right to a relocation payment or the amount of the payment, you will be notified, in writing, of the problem and the action you may take to resolve the matter.

Appeals

If you disagree with the Agency's decision as to your right to a relocation payment, or the amount of payment, you may appeal the decision to the Agency.

The Agency will inform you of its appeal procedures. At a minimum, you will have 18 months to file your appeal with the Agency. Your appeal must be in writing. However, if you need help, the Agency will assist you in preparing your appeal. If you are not satisfied with the final decision on your appeal, you may seek review of the matter by the courts.

Tax Status of Relocation Benefits

Relocation benefit payments *are not* considered as income for the purpose of the Internal Revenue Code of 1986 or the Personal Income Tax Law, Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax law, Part 11(commencing with Section 23001) of Division 2 of the Revenue and Taxation Code. *Consult a personal tax adviser.*

Additional Information

If you have further questions after reading this brochure, contact *Pacific Relocation Consultants*, **Toll-free at 877.972.8908**, and discuss your concerns with your representative. You may wish to read the California Relocation Assistance Act regulations which describe the relocation process in even greater detail.

ATTACHMENT 3

PROCEDURES FOR RELOCATION PAYMENTS AND ASSISTANCE

A. Relocation Advisory Assistance

As a function of the overall relocation program, technical and advisory assistance will be provided by the Agency, through its relocation representatives, to all displacees. The following specific activities will occur:

1. Each site tenant affected by the project will be personally interviewed to gather information appropriate to determine needs and preferences with regard to the replacement of existing accommodations. Should an occupant be unavailable, or refuse contact, "in-depth" personal interviews will be performed within a reasonable period after adoption of this Plan. Inquiries made of any residential occupants by relocation personnel will cover the following areas: family size, ethnic background, age and health considerations, employment status, family income, transportation needs, and locational preferences related to replacement housing (e.g., proximity to schools, work, medical facilities, etc.).
2. A printed 'Informational Brochure' will be provided to all 'displaced persons'. A Spanish Language Informational Brochure will be provided to those displacees whose primary language is Spanish. Signed acknowledgments will be obtained to verify receipt of this material.
3. Field surveys will be conducted in order to identify available replacement resources and, at least one appropriate replacement referral will be made, on a timely basis, to displacees requiring same.
4. As soon as feasible, the relocation consultant shall contact the person to be displaced and explain the relocation payments, and other assistance for which the person may be eligible; the related eligibility requirements; and, the procedures for obtaining such assistance.
5. Persons who are unable to understand the information shall be provided appropriate translation services, where necessary

6. Transportation will be provided, if necessary, for any displaced occupant to inspect replacement sites within the local area.
7. Assistance will be offered to all displacees in connection with the completion of applications for replacement property; the filing of claim forms to request relocation benefits; and, to obtain services from other public agencies.
8. Special assistance in the form of referrals to governmental, and other agencies will be made, if needed.

B. Relocation Benefits (Financial Assistance)

Benefits will be paid to eligible 'displaced persons' - the definition of which includes businesses - upon submission of required claim forms, and documentation in accordance with approved, Agency procedures. Specific eligibility requirements and benefit plans will be detailed on an individual basis with all displacees. In the course of personal interviews and follow-up visits, each displacee will be counseled as to available options and the consequences of any choice with respect to financial assistance.

C. Relocation Benefits - Procedures

Claims and supporting documentation for relocation benefits must be filed with the Agency within eighteen (18) months from:

- The date the claimant moves from the acquired property; or,
- The date on which final payment for the acquisition of real property is made, *whichever is later*.

The procedure for the preparation, and filing of claims and, the processing and delivery of payments will be as follows:

1. Claimant(s) will provide all necessary documentation to substantiate eligibility for assistance.
2. Assistance amounts will be determined in accordance with the provisions of California Relocation Law.

3. Required claim forms will be prepared by relocation personnel in conjunction with claimant(s). Signed claims and supporting documentation will be submitted by relocation personnel to the Agency.
4. The Agency will review, and approve claims for payment, or request additional information.
5. The Agency will issue benefit checks which will be available at Agency offices for retrieval by Claimants, unless circumstances dictate otherwise.
6. Final payments will be issued after confirmation that the Project area premises have been completely vacated, and actual residency at the replacement unit is verified.
7. Receipts of payment will be obtained and maintained in the relocation case file.

D. Relocation Tax Consequences

In *general*, relocation payments are *not* considered income for the purpose of the Internal Revenue Code of 1986, or the Personal Income Tax Law, Part 10 of the Revenue and Taxation Code. The above statement on tax consequences is *not* intended to be provision of tax advice by the Agency, their Agents, Consultants, Employees or, Assigns. Displacees are encouraged to consult with their own tax advisors concerning the tax consequences of relocation payments.

Summary

In all instances, specific eligibility requirements, and detailed compensation plans will be developed for, and explained on an individual basis to displacees. In the course of personal interviews and follow-up visits, each displacee will be counseled as to available options and the consequences of any choice with respect to financial assistance.

ATTACHMENT 4

**SUMMARY OF PUBLIC COMMENT(S)
ON
THE RELOCATION PLAN
AND
AGENCY RESPONSES**

CITY OF FREMONT REDEVELOPMENT AGENCY

COMMENTS/QUESTIONS REGARDING THE RELOCATION PLAN FOR THE PROPOSED MONUMENT CENTER PROJECT

NAME: Hoa & Hat Tran / Lannette Pham

BUSINESS: Hong Kong Buffet / Perfection Hair & Nail

BUSINESS ADDRESS: 41063 / 41059 Fremont Boulevard, Fremont, CA

TELEPHONE NUMBER: (510) 656-6908 / 6873-8713

DATE: SEPTEMBER 23, 2000

The referenced business owners requested the assistance of a Vietnamese Translator in reviewing the Relocation Plan. The review meeting with the Translator was held on September 23, 2002, during which the Translator explained each individual section in the Plan to the business owners starting with the Introduction. During the review the businesses had several comments/questions. Shown below are their comments and questions with our proposed responses.

- Q. The list of available commercial sites included in the Plan does not show any sites suitable for a restaurant, it only shows office and retail spaces.
- A. The listing of vacant commercial sites is included in a Relocation Plan is a survey of the current real estate market in order to give an indication of the availability of replacement sites to meet the potential needs of the businesses being displaced. The survey to identify suitable replacement sites to meet the actual needs and desires of the businesses will be made at the time of relocation, which may be several months in the future. The City, through its consultants, will work closely with the displacees to locate suitable replacement sites at the time of the Relocation.
- Q. In moving all of our movable equipment and furniture, if we decide that we do not want some of that equipment (i.e. chairs, tables, etc.), how will the Agency compensate us for that?.
- A. The Agency will pay the **lesser** of the fair market value of the personal property not moved or the estimated reasonable cost of relocating the personal property to the replacement site. For example, if the current value of the equipment you do not wish to move is \$1,000 and the reasonable cost to relocate those items is \$500, the Agency will pay \$500 for those items you do not wish to move. In the alternative, you may dispose of any items not needed at the replacement site in any manner you choose.
- Q. The "Fixed In-Lieu Payment" how does that work?

- A. Instead of receiving compensation for moving and reestablishment costs, you may elect to receive a fixed payment equal to the average annual net earning of your business. Annual net earnings are determined by calculating the net earning before taxes for the previous two years and dividing this amount in half. Proof of earnings may be established by income tax returns, financial statements and accounting records or similar evidence acceptable to the Agency. This fixed payment may not be less than \$1,000 or more than \$20,000. The fixed payment may be paid only if the Agency determines that your business cannot be relocated without a substantial loss of business and the business is not part of a chain consisting of at least one other business. This one-time payment may offset a payment for goodwill. You may choose this option even if you decide that you wish to discontinue your business.
- Q. The relocation budget cited in the Plan, how did you arrive to that number?
- A. The estimated relocation budget was prepared by Pacific Relocation Consultants as a result of information provided by each individual business during personal interviews regarding their current and potential relocation needs as well as their past and present experience in relocating similar businesses.
- Q. When will the Agency require us to move?
- A. The Agency is currently finalizing negotiations with a Developer, and it is anticipated that the site can be delivered vacant to the Developer by the Spring of 2003. The Agency is responsible to provide advance notice (90 Days) before you are required to relocate from the Project site.
- Q. If I want to return to the new Development, do I have priority to return to the new Shopping Center?
- A. Once the Developer has been selected, you can contact him directly and get information on the new space.
- Q. If I decide to "take a break" and do not re-establish my business until the new Shopping Center is completed, will the Agency pay for my storage and the loss of income during this time?
- Q. No. The Agency will provide assistance to you in finding a replacement location for your business, along with the financial assistance to help you re-establish your business at the time of your relocation. However, if you decide that you do not want to re-establish your business at that time, then you may want to consider the "Fixed In-Lieu Payment" option as described above.

Juan Rodriguez
Project Manager
Pacific Relocation Consultants
7901 Oakport St., Suite 4800, Oakland, CA 94621 Toll Free (877) 972-8908

NAME: Mansoor Dinga

BUSINESS: Discount Depot

BUSINESS ADDRESS: 41029 Fremont Boulevard, Fremont, CA

TELEPHONE NUMBER: (510) 249-9300

Comment/question regarding the Relocation Plan:

17. I have just opened my store and I am planning on installing a sign on the outside of my building. If I have to relocate, would I receive reimbursement for the cost that I paid?.
- A. Depending on the type of sign you install, you may receive payment for the appraised value of your existing sign at the time of your move.
- Q. Is the list of “referrals” for available commercial sites included in the Plan, an indication for us to start looking for a replacement site to move our business?.
- A. No, this list is just to give an idea of the commercial market and the availability of potential replacement sites at the time the Plan was prepared. The City, through its consultants, will work closely with you to help find available sites at the time that the Agency gives you written notice that you must move.

ATTACHMENT 5

REPLACEMENT COMMERCIAL RESOURCES

REPLACEMENT COMMERCIAL RESOURCES				
Use	No. of Spaces	Sq. Ft.	Rent	Address
Office	1	7,000	\$2.85	39505 Paseo Padre Pkwy., Fremont, CA.
Retail	1	980	\$2.50	43571 Mission, Fremont, CA.
Office	1	1,435	\$1.75	43195 Mission Bl. #B2, Fremont, CA.
Retail	1	4,188	\$2.00	1972 Driscoll Rd., Fremont, CA.
Retail	1	1,820	\$2.25	1964 Driscoll Rd., Fremont, CA.
Retail	1	3,225	\$2.00	1980 Driscoll Rd., Fremont, CA.
Office	1	5,720	\$1.00	161 Whitney Pl., Fremont, CA.
Retail	1	3,000	\$1.65	43490 Grimmer, Fremont, CA.
Retail	1	9,000	\$2.00	5006 Mowry Ave., Fremont, CA.
Retail	1	9,000	\$2.00	5010 Mowry Ave., Fremont, CA.
Retail	1	9,000	\$2.00	5014 Mowry Ave., Fremont, CA.
Retail	1	1,170	\$1.75	5133 Mowry Ave., Fremont, CA.
Retail	1	1,983	\$1.75	5135 Mowry Ave., Fremont, CA.
Retail	13	254 - 10,158	\$2.53 - \$3.53	Fremont Hub, Fremont, CA.
Retail	1	2,200	\$1.75	3115 Walnut, Fremont, CA.
Retail	1	1,820	\$3.16	46529 Mission Bl., Fremont, CA.
Retail	1	2,770	\$3.76	46615 Mission Bl. Fremont, CA.
Retail	1	7,500	\$2.75	39380 Civic Center Dr. #3, Fremont, CA.
Retail	1	5,224	\$2.75	39380 Civic Center Dr. #2, Fremont, CA.
Office	1	2,665	\$1.95	39055 Hastings Ave. #106, Fremont, CA.

REPLACEMENT COMMERCIAL RESOURCES				
Use	No. of Spaces	Sq. Ft.	Rent	Address
Retail	1	7,360	\$1.88	39165 Farwell Dr., Fremont, CA.
Retail	1	1,993	\$1.75	Mission Valley Shopping Ctr., Fremont, CA
Retail	1	2,000	\$1.58	Mission Valley Shopping Ctr., Fremont, CA
Retail	1	2,200	\$2.00	Mission Valley Shopping Ctr., Fremont, CA
Retail	1	2,110	\$2.18	39182 Paseo Padre Pkwy., Fremont, CA.
Retail	1	5,200	\$3.00	Newark Market Place, Newark, CA.
Retail	1	9,454	\$2.00	Stevenson Station, Newark, CA.
Retail	1	660	\$2.27	47814 Warm Springs Bl., Fremont, CA.
Retail	1	990	\$2.27	47812 Warm Springs Bl., Fremont, CA.
Office	1	200	\$3.00	47912 Warm Springs Bl., Fremont, CA.
Office	3	350	\$0.14	42000 Osgood Road, Fremont, CA.
Office	4	863 -1,500	For Sale	42072 Osgood Road, Fremont, CA.
Retail	1	1,150	For Sale	Irvington Palms Plaza, Fremont, CA.
Retail	1	2,890	For Sale	41778 Fremont Blvd., Fremont, CA.
Retail	Multiple Spaces	15,030	For Sale	40930-40922 Fremont Blvd., Fremont, CA.